

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA :
 :
 Plaintiff :
 :
 v. : Case No. 2:22-CR-148
 :
 TREVOR FRIZZELL, :
 :
 Defendant. :

OPINION AND ORDER

Defendant Trevor Frizzell is charged with a violation of 18 U.S.C. §§ 111(a)(1) and (b) for allegedly assaulting a postal carrier (P.B.) during performance of the postal carrier's duty. The case is set for a jury draw on July 5, 2023. Defendant moves the Court to compel discovery of the victim's personnel file and other related documents (ECF 18). For the following reasons, Defendant's motion to compel (ECF 18) is **granted in part and denied in part.**

This case involves an altercation between Mr. Frizzell and P.B. that occurred while P.B. was performing his postal carrier duties. According to Defendant, the requested documents are relevant to and probative of elements of the offense and his theory of defense: that the Defendant acted in self-defense after P.B. initiated physical contact with him to prevent him from removing a package from his vehicle. Defendant asks the Court to compel discovery of documentation of prior acts of

aggression or unprofessional conduct by the postal carrier as evidence of his self-defense claim and for impeachment purposes.

According to the Government, prior discovery made available to the Defendant on April 5, 2023, included all discoverable *Jencks*, *Giglio*, and *Brady* material in its possession, including partial disclosure of P.B.'s personnel file. The pages reviewed by the Defendant included documentation of a prior complaint against P.B. that culminated in his receipt of warning letter from the Postal Service for unprofessional behavior while on his mail route. The Government declined, however, to produce the entirety of the postal carrier's personnel file on account of his privacy interests. According to the Government, the withheld information includes only records pertaining to P.B.'s health, employment benefits, job application, and job performance; the records do not address customer interactions nor additional documentation of unprofessional conduct. Nonetheless, Defendant requests that the Court compel the production of the entire personnel file, in addition to any additional documentation of complaints, reports, or investigations of the victim's aggressive or unprofessional conduct that may exist.

Defendant has provided no grounds on which the Court can conclude that the undisclosed victim personnel files contain evidence of misconduct by P.B. beyond that already disclosed. Nor is there any suggestion that the Government is in possession

of additional documentation of the victim engaging in harassing, aggressive, or unprofessional conduct. The Court therefore denies Defendant's request to compel production of the entire personnel file, and per the Government's suggestion, will review the file and any additional potentially relevant material in camera so as to determine whether they refer to any discoverable material, including instances of harassing, aggressive, or unprofessional conduct by the victim, which may bear relevance to the instant incident. Accordingly, Defendant's motion is **granted in part and denied in part**. The Government must submit the victim's personnel files for in camera review **no later than Wednesday, June 21, 2023**. As to Defendant's request that the Court order early production of the victim's criminal history, the victim has no such criminal history, and thus the Defendant's request is **denied**.

CONCLUSION

For the reasons set forth above, Defendant's Motion to Compel (ECF 18) is **granted in part and denied in part**.
SO ORDERED.

DATED at Burlington, in the District of Vermont, this 15th day of June, 2023.

/s/ William K. Sessions III
William K. Sessions III
U.S. District Court Judge